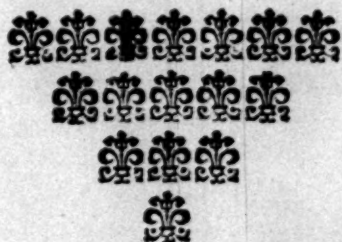


AN
ACCOUNT
Of the Affairs of
SCOTLAND,
In Relation to their
Religious and Civil Rights.



L O N D O N ,

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Account of *ſ* Affairs of Scotland 1699.

An Account of the Affairs of Scotland, &c.

S I R,

I Will comply with your desires, in giving you a view of the *Scottish Affairs*, and before I make particular Answers to your Questions, I will lay open the whole matter of Fact which hath occurred in the Meeting of Estates, in their *Majesties* Acceptance of the Crown, and the Instructions given by His *Majesty* to his Commissioner for holding of the Parliament, that you may be the better able to make a Judgment how far His *Majesty* hath made Concessions to satisfy the Minds, and ease the Grievances of that Nation, by his Offers in his Instructions, to quit Voluntarily these Advantages which the Crown hath insensibly got over the People ever since the Union of the two Kingdoms, whereby *Scotland* is as much in the Power and Mercy of their Kings, as most of the Nations in *Europe*, by a Legal Constitution, and the Consent of the People in Parliament.

It may be then Surprising if this great Opportunity hath not been Imbraced, and these offered Concessions turned into perpetual Laws. But the Ambition of some, and the Selfish-Designs of others hath Obstructed the Happiness which that Nation could only expect from this Revolution, and have kept it under the Power of these severe Laws and stretched Prerogatives which His *Majesty* was willing to have parted with.

A considerable number of the Nobility and Gentry of *Scotland* did attend His *Majesty* in his Expedition for *Britain*, and many more having Met him at *London*, they did Address to his *Majesty*, then Prince of *Orange*, to Assume the Government, till the Meeting of the Estates, which they desired him to Call. The Procedure in that Meeting was with a great deal of Discretion and Dispatch, till the Country was put in a posture of Defence against an Invasion they had reason to apprehend from *Ireland*, and till the Instrument of Government was finished, which is almost in the same terms with that of *England*.

Upon the Eleventh day of *April* last, the Estates did Proclaim their *Majesties* King *WILLIAM* and Queen *MARY*, King and Queen of *Scotland*, with all the Joy and sincerity that could be Express, the same day their *Majesties* were Crowned in *England*.

Upon the Eighteenth day of the said Month the Estates did proceed to the Consideration of some Grievances to be Represented to his *Majesty*, which they humbly desired might be Redressed to his *Majesties* first Parliament. The Instrument of Government doth contain what

the Estates did Assert to be the Peoples Right, and the several Facts condescended upon are declared Illegal, and the highest Violations of Law, for which the Throne was declared Vacant. The Grievances do acknowledge the things complained upon to be Legal, but that the Laws introducing or allowing them are grievous, and therefore there was necessity of applying to the King for Rescinding and taking off these Laws.

Upon the Twenty Fourth of *April*, all the Grievances were concluded, and three Commissioners, being one for each Estate of the Kingdom, were dispatched with the offer of the Crown to their *Majesties*.

Upon the Eleventh of *May*, the Commissioners did present a Letter from the Estates of *Scotland* to his *Majesty*, which was Read first, then the Instrument of Government, then the Grievances, and last a Desire from the Estates to be turned into a Parliament. The King Answered the Commissioners in these Terms. *When I engaged in this undertaking, I had particular Regard and Consideration for Scotland, and therefore I did Emit a Declaration for that, as well as to this Kingdom, which I intend to make good and effectual to them. I take it very kindly that Scotland hath express'd so much Confidence in Me, and Affection to Me; They shall find Me willing to Assist Them in every thing that concerns the VVell and Interest of that Kingdom, by making what Laws shall be necessary for the Security of their Religion, Property and Liberty, and to ease them of what may be justly grievous to Them.* Then Their *Majesties* took the Coronation Oath, and within some few days the King declared his Pleasure for turning the Meeting of Estates into a Parliament at their own desire, and he did Nominate the Duke of *Hamilton* his Commissioner, and upon the Thirty One day of *May*, His *Majesty* did Sign his Instructions.

Upon Their *Majesties* acceptance of the Crown, all Commissions, Gifts, and other Writs Superscribed by the King, must of necessity be Docueted and Counter-signed by His Secretary of State; The King made choice of my Lord *Melvil* for that Office, a person who could never be induced to act in the Publick, during the former Reigns, who had been Forefault, and forced to abandon his Relations, and Native Countrey, and flee to *Holland*, where, and in *Germany*, he remained seven years; of whose Integrity and Sufficiency the King had good proof abroad, and of his sincere Inclinations for the Interest of Religion, and His *Majesties* Undertaking! It was likewise necessary for His *Majesty* to have an Advocat, and He did name Sir *John Dalrymple*, one of the three Commissioners which the States had so much recommended, and considered, as to Signalize and Intrust Them with a Matter of the highest

highest Credit and Reputation, as the offer of the Crown, and receiving the Coronation Oath ; The rest of the Offices His Majesty did not supply, that He might have more opportunity to know who were Habile, and Deserving Persons for these Employments. Hitherto Matters were Managed with Calmness and Concord ; But now when the other Offices of Honour and Profit began to be Disposed on, many who formerly did pretend to be behind with none for their Zeal, in their King and Countreys Service, they quickly forgot the sense of their Deliverance, and that Duty and Gratitude they owe to their Deliverer. It had been moved in the Grand Committee of the Meeting of the Estates, that it might be specially Provided in the *Instrument of Government*, That the King should not have Power to Name the Judges, Privy Counsellors, or Officers of State, but with Consent of Parliament ; This Motion was universally Rejected, and thrown out with Detestation, as an unreasonable Incroachment upon the Monarchy ; and there were only three in that whole Meeting, who did favour the Proposal, of whom, some have worthily Retrited themselves, by owning the Kings Right in this Point, when it was afterwards called in question ; but what was universally Considered as an intolerable Invasion on the Royalty, when there was no Government, hath been since owned for Law, and a Matter of the highest Importance ; this alteration of some mens Sentiments, fell out Critically at that period, when the King came to dispose of the Honourable, or Advantagious Posts of the State, then every man began to value himself, and to believe he was better Judge of his own fitness for these Offices than the King, whose Right it is to Dispose on them ; and thus our pleasant Scene is turned into Confusion, and some who doubted of their Interest to be preferred by their Princes Favour to that Share and Interest in the Government they designed, they run about, hoping to force Him to take them off, for fear of their mischief, whose Actings shew they resolve rather to disturb that Peace which is not yet well Confirmed, to Embroyle the Nation, Shake the Throne, Hazard Religion, and all to a Revolution, than fall short of their pretensions ; as if they had said, *Flectere si nequeo superos acheronta movebo* ; and they have endeavoured to Amuse the unwary multitude, with the specious Pretexes of *Law* and *Liberty* ; and that their Grievances are so far from being Redressed, that there are new Invasions made upon them, and so instead of taking their Relief, which the King hath offered to all the Grievances represented by the Estates ; they fall upon new Complaints, not formerly pretended to, nor thought just, or worthy to be insisted on, for which some have Address to the King with great peremptoriness, hindring their

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Native Countrey from receiving the benefit of the Concessions, which His Majesty offers in His Instructions. But that I may not seem to impose upon you in this matter, I will fairly set down both the *Grievances*, and the *Redress* offered by His Majesty, in the *Instructions* to His Commissioner, with some short Notes, that you may better understand the nature of the *Grievances*, and the Fulness of the *Relief* that is offered by the *Instructions*; and in regard the *Instructions* contain more things than the *Grievances* do, such as the turning the States into a Parliament, and the like, they do not follow the same Method, or Answer the number; therefore I shall repeat every Article of the *Grievances*, with the particular *Instruction* relating to it together, and then come to your Questions.

Article. First **T**He Estates of the Kingdom of Scotland do Represent, Grievance. *that the Committee of Parliament, called the Articles, is a great Grievance to the Nation, and that there ought to be no Committees of Parliament, but such as are freely Chosen by the Estates to prepare Motions and Overtures, that are first made in the House.*

This is answered by the second Article of the *Instructions*.

Instruction **Y**OU are to pass an Act for Regulating the Articles, to consist of Twenty four Persons, besides the Officers of State, whereof Eight are to be Chosen by the Noblemen of their Estate, Eight by the Barons, and Eight by the Burrows, out of their Estates; and in case of the death of any of these Persons, that Estate, out of which the Person Deceased, shall supply the same. These are to prepare Matters and Acts for the Parliament, but not to exclude the Parliament, to take any Matter into their Consideration, though it hath been thrown out, and Rejected in the Articles, and all former acts, specially the first Act, Parliament first, Session third, Charles the Second, inconsistent herewith, are to be Rescinded.

The Parliament of Scotland doth consist of three Estates, who all meet in one House, and by the antient Laws and Custom of that Kingdom, there was a select number of Persons Chosen out of the Three Estates, who with the Officers of State, were called, *Dominus ad Articulos*, because they did prepare Articles, or Proposals, and Framed Acts, which were brought in to be Considered in Parliament; And this Committee for Articles hath been as Antient as we find any Records of Parliament in that Kingdom; and the Officers of State were always Members. The great Weight in the Mannagement of Affairs, was committed to this Committee: And in Antient times, after the Articles were once Constitute, the Parliament did Adjourn to a certain day, till
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all things were prepared by the Articles, which were to be proposed in Parliament.

The Policy of that Kingdom had introduced, and maintained this Constitution of the Articles, upon weighty and solid Reasons, as 1^o. To preserve the different Interests of the Three Estates among themselves, the several Estates having no *Negatives* in the Parliament; for though one State were intirely opposite, the plurality of the whole doth Determine and Decide; And the Estates not being equal in number, a greater State Combining, might overthrow the Interest of another, especially since the State of the Nobility being increased at the Kings Pleasure, there are at present as many Lords in *Scotland*, as do equal, or exceed the number of the Commissioners for Shires and Burrows together: As also, the number of the Royal Borrows may be increased at the King's Pleasure; But the Shires remaining the same, the Estate of the Burrows, which hath the greatest part of the Property, and visible Estate of the Nation, they may have the fewest Votes in the Parliament: But in the Articles, every State hath an equal number, whereby in the Projecting, and Framing of the Laws, each State hath an equal Interest. 2^o. All the Estates meeting in one House, and there being no *Negatives* in the Parliament of *Scotland*, a suddain Vote would put the Kings of *Scotland* to this strait and difficulty, either to consent to a Law, whereof they might be ignorant as to its Design and Framing, or else to refuse the Royal Assent, and so a Breach or Difference were Stated betwixt the King and People, and there could be nothing more expedient for preventing these Inconveniences, than the Choosing of a select number for each Estate, who with the Officers of State for the King, did Prepare, Digest, and Adjust all Matters which were to be brought in to the Parliament.

In the Parliament of *England* there are two Houses, and their Forms of Proceeding are slow and Cautious, whereby the King may understand whatever is under the Deliberation of the one House, before it come to the other, and by Conference betwixt the two Houses, Matters use to be Adjusted before they come the Kings length for the Royal Assent: But in *Scotland*, the Procedure is quick, and the Forms of Parliament are Expedit and Summar; besides the Temper and Genius of the Nation, which is ready, (not to say, *Præservidum Scotorum Ingenium*) whereby Matters of the greatest Importance may be Stated, and Determined at one Sitting in the Parliament of *Scotland*; And therefore as Matters in *England* do proceed by Bills from the Houses to the King; so in *Scotland*, Business did Commence from the Articles, in which, both the King and People had their shares of Members.

Of late there hath Excesses and Abuses crept in to the Articles, both as to the manner of their Constitution, and Power of Prelimiting the Parliament. And since the Year 1633. The Bishops did chuse Eight Noblemen, and the Noblemen did chuse Eight Bishops, these did chuse Eight of the Commissioners for Shires, and Eight of the Commissioners for Burrows, who with the Officers of State, made up the Articles ; by this method, both the small Barons and Burrows were excluded from any Interest in chusing the Articles, and they had not so much as a Vote in chusing these persons who were to Represent their particular Estates in the Articles. And it being the King's Prerogative to name all the Bishops, in effect the King had the sole Power, or Influence to make the whole Articles. 2^o. Instead of a Preparatory Committee for Ordering all things that were to be brought to Parliament, the Articles did assume a Power, that what they once rejected, could not be brought in to plain Parliament : But yet by the express Act of Parliament fore-said, the 1. Act, Sess. 3. Parl. 1. K. Charl. 2. The Articles is Constitution in the manner above-mentioned, to be a perpetual Law in all time coming, which was justly represented as a *Grievance* to the King ; but there is not the least mention of Officers of State, though that point was spoken of, and under Consideration in the Meeting : by this *Instruction* the King did most Graciously and Fully Redress these Errors and Corruptions of the Articles, by allowing every State to choose its own Representatives, and Declaring that the Articles shall not have Power to Pre-limit the Parliament, but that even these things that have been rejected in the Articles, may be brought in, in plain Parliament, whereby the interest of the Estates are equal and intire, and the Parliament can never be imposed upon, nor precluded.

It might have been expected, that so Gracious a Concession from the King, and His parting with so important a Jewel, should have satisfied every man, that the King designed no Arbitrary Power, and that He verified that Clause of His Letter to the Estates, *That he would never put His Greatness, or the Advantage the Crown had got, in the Ballance with the True Interest of the Nation* ; Yet this Concession did not please, but some men insisted, *That there should be no Articles, or constant Committee at all* ; having now taken up a prejudice against the Name, as well as the Excess of the Thing, though the *Grievance* calls it the Articles, and mentions not one word against a constant Committee ; But now they would make an Inference from the Custom of *England*, though the Constitution of the two Parliaments are totally different. And next, they did Object against the Officers of State, though this was no In-croachment, or Corruption, but they were Members of the Articles

ticles in the most Ancient Constitutions ; And these last hundred and fifty years, the Officers of State are named together in a Column by themselves, as distinct supernumerary Persons for the Interest of the Crown ; and as the Officers of State are not mentioned in the *Grievance*, so the meaning of the Articles cannot be extended to reach them, for they being Supernumerary, and for the King, are not to be chosen, nor can represent any State of the Parliament, because they are Members of Parliament, as Officers of State, and are called and ranked, though they be but Gentlemen, before the Commissioners for Shires and Burrows.

It cannot but appear a great Extremity, that whereas by the present standing Law, the King hath the whole Power and Influence in making the Articles, that in an instant, He shall be reduced to have no Interest at all ; and whereas every Estate hath an equal share of Members in this Committee for preparing Things to the Parliament, the King shall have none for Him ; and every Body knows what Advantage may be made in the Framing and Wording of an Act where the Matter may be plausible, and it were hard that the first Notice or Advertisement the King or His Commissioner might have of a Law designed, were to hear it Read and Voted in the House, and so be put on a sudden to give His Consent, or interpose His Negative after the Parliament has engaged themselves by a Vote, this Rock Our Ancestors have alwaies shunned : and there never was a Vote in the Parliament of *Scotland* before this time, till the Matter was first subjected to the King's Consideration, and that His Commissioner was previously Instructed, or knew it to be agreeable to the King's Inclinations : And there being a Law standing, that all Matters to be determined in Parliament, must be first brought into the Articles, till that Law be Repealed, at least these Votes which were pressed in the Address were both unnecessary and preposterous. But the King was so far from taking any occasion of Displeasure, that he did Conced a further step by an Additional Instruction, Dated at *Hampton-Court* the Fourth day of *July* last, which the Commissioner Read in Parliament.

WILLIAM R.

Additional Instructions to Our Right Trusty, and Right Entirely beloved Cousin and Councillor, *William Duke of Hamilton*, Our Commissioner.

1. **B**Y the Second Article of your Instructions, Dated the Thirty One day of May last, you was impower'd to pass an Act for regulating the Committee, Called the Articles, which were to consist of Twenty Four Persons, besides the Officers of State ; Notwithstanding of which, These are to Authorize you, to pass an Act

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for them to consist of thirty three persons, besides Officers of State, whereof Eleven to be chosen out of every Estate, according to your former Instructions, who are to prepare Matters, as is therein expressed, not excluding the Parliament to take Matters into their Consideration, though it hath been rejected in the Committee, nor to prevent their moving of any thing, and regulating of it to them, and the said eleven out of every Estate to be chosen Monthly, or oftner, if the Parliament think it fit, and all former Acts, especially the first Act Char. 2. Sess. 3. inconsistent with this, are to be Rescinded.

2. You are to pass what Acts shall be proposed for settling the Church-Government, according to your former Instructions.

3. You are to pass an Act, Rescinding all Forfeitures past against any of Our Subjects, either in Parliament, or Criminal Court, since the first day of January 1665. which shall be thought fit by the Parliament to be Rescinded: Likewise you are to consent to what Our Parliament shall propose for Restitution to be made of Fines, or Compositions for Fines, or Forfeitures, from those who had the Benefit of them, and you are to Rescind such Acts as were made in the years 1681, and 1685, as are justly grievous.

Although the first of the above Instructions is not complied with yet, you are to move the other two, and have them past before any Adjournment.

Given under Our Royal Hand and Signet, at Our Court at Hampton-Court, the Fourth day of July, 1689. And of Our Reign the First Year.

By His Majesties Command,

Melvill.

The King did hereby Consent, that the Articles should not be a constant Committee as they are now by Law, but that the Estates might change their Representatives as oft as they please, so that they could not be packed nor taken off by the Court, and that each State instead of Eight might choose Eleven Members, whereby the Officers of State could never overrule or determine them. The whole Number of the Officers of State extends only to Eight, whereof the Lord Secretary is ordinarily at Court, and in this present Parliament the King had but one Officer of State: But Concessions to persons that are not resolved to take satisfaction, have never good effects. This Overture was rejected, and some persons must have all or nothing. But all that are indifferent must be convinced, that the King had fairly retrenched his Interest in the Parliament, having not only consented to the Parliaments Abolishing of the Bishops, but he was willing to have taken the Sting out of the Articles, and secured the Nation for ever, that the Articles could never be packt, nor the Parliament imposed upon.

Article 2.

Article 2. **T**hat the first Act of Parliament 1669, is inconsistent with the Grievance. *Establishment of the Church-Government now desired, and ought to be Abrogate.*

This second Article of the Grievance is Answered by the Fourth Instruction, thus,

Instruction 4. **Y**ou are to pass an Act, Establishing that Church-Government which is most agreeable to the Inclinations of the People, Rescinding the Act of Parliament 1669, and all other Acts inconsistent therewith.

By the Instruction, the King doth entirely Remit to the Parliament, to Establish what kind of Church Government was most agreeable to their Inclinations, as the Representative of the People, without proposing Qualification or Limitation. And because the Act of Parliament 1669, doth Recognize and Declare an extraordinary Power in the Kings of Scotland, without Consent of Parliament, in relation to Ecclesiastical Affairs, whereby any Government of the Church, Established by Act of Parliament, might be changed by the King; therefore the King Condescends to Rescind that Law, and to pass from the Prerogative of the Crown, as it is Established and Asserted by that Act, whereof the Tenor follows,

ACT Asserting His Majesties Supremacy over all Persons, and in all Causes Ecclesiastical.

November, 16. 1669.

THe Estates of Parliament having seriously Considered, how necessary it is for the good and peace of the Church and State, that His Majesties Power and Authority in relation to Matters and Persons Ecclesiastical, be more clearly Asserted by an Act of Parliament; Have therefore thought fit it be Enacted, Asserted and Declared, Likeas His Majesty with Advice and Consent of His Estates of Parliament, Doth hereby Enact, Assert, and Declare, that His Majesty hath the Supreme Authority and Supremacy over all Persons and in all Causes Ecclesiastical within this His Kingdom, and that by vertue thereof, the ordering and disposal of the External Government and Policy of the Church, doth properly belong to His Majesty and His Successors, as an Inherent Right to the Crown, and that His Majesty and His Successors may Settle, Enact, and Emit such

Constitutions, Acts and Orders concerning the Administration of the External Government of the Church, and the Persons employed in the same; and concerning all Ecclesiastical Meetings, and Matters to be Proposed and Determined therein, as They, in Their Royal Wisdom shall think fit: Which Acts, Orders, and Constitutions, being Recorded in the Books of Council, and duly Published, are to be Observed and Obeyed by all His Majesties Subjects, any Law, Act, or Custom to the contrary notwithstanding. Like-as His Majesty, with Advice and Consent foresaid, doth Rescind and Annul all Laws, Acts and Clauses thereof, and all Customs and Constitutions, Civil or Ecclesiastick, which are contrary to, or inconsistent with His Majesties Supremacy, as it is hereby Asserted, and Declares the same Void and Null in all time coming.

Never did Law give a King such a Power, nor ever did a King part with such a Law. There was an Act brought in and Voted for, Rescinding the Act of Supremacy, it was not Touched, which cannot be Imputed to the King, there being an expresse Instruction for Rescinding that Act.

Article 3. **T**hat Forefaultures in prejudice of Vassals Creditors, and Heirs Grievance. of Entail, are a great Grievance.

This Article is answered by the Sixth Instruction.

Instruction 6. **Y**ou are to pass an Act that Forefaultures shall only be extended to what Interest the Rebel had, and that innocent Vassals, or lawful Creditors, for Debts upon Record shall not be prejudged, nor such Heirs of Entail, whose Rights of Succession are established by publick Infeftment.

The Laws of Scotland, in relation to Treason, are very many, and therefore Forefaultures there are too frequent; the Feudal Laws and Customs takes place in Forefaultures, and Treason being the greatest Ingratitude, the Rebels Fee returns to the King, in that same condition that it was Originally given out, without the burden of his Debt, or Regard to any Deed done by the Rebel, after committing of the Crime, or to any Deeds or Alienations made before the Crime, which were not consented to, or Confirmed by the Superior, and rendred Real and Publick by Infeftment; and not only Heirs of Entail are cut off from their hope of Succession, for the Delinquency of the Fiar, but the Rebels innocent Vassals, who are not Confirmed by the Confiscation of the *Dominium Directum*, which was in the Rebel,

Rebel, the *Dominium* *utile* falls in consequence. There have been so many sad instances of the severe effects of Forefaultures in *Scotland*, to the Ruine of many Families, who had no accession to the Treason, that of late, this single Concession would have been purchas'd by that Nation at the dearest rate ; but Courtiers and Ministers, who had hopes to make advantage, and procure Gifts of Forefaultures, they have always resisted the good design of Restricting the prodigious effects of Forefaultures, till now, that the King hath resolved, *Never to consider his own Advantage and Greatness, in opposition to the Interest and Ease of his Subjects* : He hath by this *Instruction* secured lawful Creditors, whose Debts are not Collusive, but upon Record, and innocent Vassals, though not Confirmed, and likewise Heirs of Entail, whose Rights of Succession are not Private and Clandestine, and so might be antedated, though they were truly made after, or in prospect of Rebellion ; but where the Rights are nottour and publick, which must be Recorded in that case, even the Rebels Heirs are safe, which is one of the most considerable and universal Favours which could be done to that Nation.

Article 4. **T**hat the obliging the Leidges to Depone upon Crimes Grievance. *against Delinquents, otherwise than when they are adduced in special Procefs, as Witnesses, is a great Grievance.*

This Article is answered by the Tenth Instruction.

Instruction 10. **W**E are satisfied that an Act should be past for securing the Leidges against Inquiries, by way of Inquisition, but in respect of the present Juncture of Affairs, this matter would be well Considered by the Parliament ; and therefore when the Terms of this Act shall be Adjusted, you are to transmit the same to Us, that We may give you particular Instructions thereament.

By the Custom of *Scotland*, any Person might be examined summarily, in relation to other persons, against whom there was no Procefs depending, and without confronting the Persons : And albeit such Ex-piscations did not amount to a P^{re}sumption, except these Depositions had been renewed in presence of the Jury ; yet being taken upon Oath, in absence of the Party concerned, to suggest any thing for clearing of himself, the private Informers became engaged to hold by what they had once Declared, under the pain and disgrace of Perjury ; by this
Instruction,

Instruction, which is fuller than the *Grievance*, His Majesty consents to secure His Subjects from such Inquisitions: But in regard of the Machinations and Plots which may be necessary for the Government to be discover'd at this present Juncture; therefore His Majesty doth Remit to the Parliament to Consider what is proper at this time, that they might fall upon some Temporary Remeid, as the Parliament of England had done, in relation to the *Habeas Corpus*, or Suspending the Commencement of this Law for some time.

Article 5. **T**hat *Assises of Error* are a *Grievance*, and that *Juries be* *Grievance*. **I** considered by Parliament.

This Article is answered by the Seventh Instruction.

Instruction 7. **Y**ou are to pass an Act, either to take away *Assises of Error*, or otherwaies that they shall take place, as well against the Jury that Condemns, as against the Jury that Affoiznes any Pannel.

By the Law and Custom of Scotland, the Criminal Judge doth Cognosce and Determine the Relevancy of an Indictment; and the Jury doth only Consider the Probation adduced, and give their Verdict, whether the Pannel be guilty or not guilty: And this is a singular Custom in Scotland, that when upon the Juries Verdict, the Pannel, or Party Accused, is Absolved, that Jury was liable to be Convened before a Grand Jury, and the persons might be found Guilty, as *Temere Jurantes super Assisam*, for acquitting the Criminal; but in case they did Condemn, the Jury was not liable to an Assise of Error: This hath been introduced in the simplicity of ancient times, when Juries were more prone to Mercy than Severity; because it was presumed, no Man would pass upon a Jury willingly to Condemn his Neighbour, if he did thereby expose himself: But in the latter times, this has been found a great Inconveniency, and Juries may be affrighted, and impos'd upon to Condemn Persons, because the King's Advocate may Protest for Assise of Error, in case they acquit, whereas they are secure if they Condemn; and therefore the King hath consented that the Parliament make their own choice, whether they will take away Assises of Error in all cases, or if they will make Juries liable for Condemning as well as acquitting Pannels.

Article 6. **T**hat the 18 Act of Parliament 1681. Declaring a *Cumulative Jurisdiction*, is a *Grievance*.

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This Sixth Article of the Grievance is answered by the Eighth Instruction, thus,

Instruction 8. **Y**ou are to pass an Act, Rescinding the Eighteenth Act of Parliament 1681. Asserting the Prerogative in point of Jurisdiction.

This Sixth Article of the Grievances, and Eighth Instruction, in Answer thereto, will be best understood by the Act it self, to which they relate. Follows the Act.

A C T, Asserting His Majesty's Prerogative in point of Jurisdiction.

September 16. 1681.

THe Estates of Parliament considering, That all Government and Jurisdiction within this His Majesty's Ancient Kingdom of Scotland, does originally Reside in His Sacred Majesty, His Lawful Heirs and Successors: And though His Majesty and His Royal Predecessors have bestowed Offices and Jurisdictions upon severals of His well deserving Subjects, yet these are not privative of His Jurisdiction; They do therefore in a dutiful and humble Recognisance of His Majesty's Royal Right and Prerogative, as to this Point; Declare, That notwithstanding of these Jurisdictions and Offices, His Sacred Majesty may by Himself, or any Commisariate by Him, take Cognisance and Decision of any Cases, or Causes, He pleases.

Shortly after this Act, there was a Commission under the Great Seal, to the Lords of Session, rendring their places Arbitrary, and *ad placitum*, in which the Lord Stair, President of the Session, Lord Newbyth, and others were left out; These the King hath now restored to their places, according to his Declaration; and even Heretable Jurisdictions were invaded, and not only matters Civil, but the highest Points of Criminal Jurisdiction were committed to Souldiers, and other persons, who were empowered Summarily to Execute to the Death free Subjects, without any Formality of Process, or Jury, and many persons were taken off that way, whereby the ordinary Legal Judicatures might be rendred inefficual; And the King had Power to Judge every *Scotf-man*, either for his Life, or Fortune, by himself, or such persons as he pleased to appoint,

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and to Avocat Causes to be Cognosced by his Courtiers at *Whitehall*. This gave the King the greatest latitude of Arbitrary Power imaginable, and more than is practised in any place of *Europe*; And when such Laws are once Established, in favours of the Crown, we seldom see Princes willing to Renounce them, but only to moderate the Execution in ordinary Cases, reserving always the Power and Capacity to themselves: But by this *Instruction*, our King was willing to part with this extravagant Power, and it is matter of Surprise that He was not taken at His Word.

Article 7. **T**hat the Commissariot Courts as they are now Constitute, Grievance. are a Grievance.

This is Answered by the Ninth *Instruction*.

Instruction 9. **Y**ou are to pass an Act for Regulating the Abuses in the Commissary Courts, and all other inferiour Courts.

The Commissars were a most Antient Constitution, the Nomination of them was committed to Church-men, but after the Reformation, the Bishops being excluded, the Nomination of the Commissars did fall to the King; and after the Restitution of Episcopacy in *Anno 1606*, the Nomination of the Commissars was given to the Bishops, as their Officials, and they are the sole Judges in the first Instance of Scandal, Matrimony, Divorce, and several other Matters, which have alwaies been reserved in the hands of the Clergy, as the Confirmation of Testaments, and ordering the performance of the Wills and Legacies of the Defuncts, and the Provisions of Relicts and Orphans. In this *Grievance*, it is Represented, That there are Errors according to the present Constitution of this Court, yet these Errors are not specified; nevertheless the King remits it to the Parliament to Rectifie whatsoever they thought amiss in this Court, and the *Instruction* is much larger than the *Grievance*, for thereby the King Remits it to the Parliament to Regulate all inferior Courts.

Article 8. **T**hat the 27 Act of the Parliament 1663. Giving the King Grievance. power to Impose Custome at His Pleasure, upon Forraign Import and Trade, is a Grievance, and prejudicial to the Trade of the Nation.

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This is Answered by the seventeenth Instruction.

Instruction 17. **Y**ou are to endeavour to procure an Act, or Acts, for the encouragement of Trade; and if the 27 Act of the Parliament 1663 be found inconvenient, it may be Regulated, or Reversed, and when the Proposals are Adjusted, you are to transmit them to Us, that you may receive our Instructions thereunto.

For the better understanding of this Grievance, I have set down the Act it self.

ACT, Asserting His Majesties Prerogative in the Ordering and Disposal of Trade with Foreigners.

THE Estates of Parliament Considering, That during the late Troubles, 'divers Invasions were made upon the Royal Prerogatives of the Crown, and that in a just abhorrence thereof, and in a due sense of the Happiness they enjoy under His Majesties Government, They are obliged on all occasions to Vindicate and Assert the same in the several Branches thereof: And since the Ordering and Disposal of Trade with Foreign Countreys, and the laying of Restraints and Impositions upon Foreign Imported Merchandises, is by the Law of Nations acknowledged to be proper to, and Inherent in the Persons of all free Princes, as an undoubted Prerogative of the Crown: They therefore in a Dutiful and Humble Recognisance of His Majesties Prerogative Royal, Do Declare, That the Ordering and Disposal of Trade, with Foreign Nations, and the laying of Restraints and Impositions upon Foreign Imported Commodities, doth belong to His Majesty and His Successors, as an undoubted Privilege, and Prerogative of the Crown; and that by Vertue thereof, they may lay such Impositions and Restraints upon Imported Foreign Commodities, and so Order and Dispose upon the Trade of them, as they shall judge fit for the good of the Kingdom: Likeas, the King's Majesty, with Advice and Consent of His Estates of Parliament, Doth hereby Rescind and Annul all Acts, Statutes, Constitutions and Customs to the contrary, and Declares the same void and null in all time coming.

This Grievance doth acknowledge that the King hath power by Law, to impose what Custom or Duty he pleases upon Foreign Trade, but it States the King in a Legal Capacity, without Consent of Parliament, to exact as great Summs as the Nation is able to furnish, for every

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Country needs something from another, either of absolute necessity, or conveniency, especially such Countries as do not abound with Manufactures, and Artisans; and in the Northern Countries, Spices, and Drugs are become almost as necessary as Air and Diet, besides Iron, Wine, Pitch, Tar, and an hundred things, wherewith *Scotland* doth not furnish it self; and by Imposing such exorbitant Duties upon these, as the *French* King doth upon Salt, the Kings of *Scotland* might Supply themselves without being beholden to Their Parliaments, and People for their Aids; and it is impossible to suspect, that a King who is willing to part with this Power, which the Law Declares to be an Inherent Privilege of His Crown, can be uneasy to His People in any thing; and it is amazing, that since the effect of this Law is understood, and hath been acknowledged in the Grievances, how any persons could be so cruel to their Native Country, as to obstruct the Relief, which the King offered them in this Concession? And if this opportunity were never renewed, how justly might this Age, and the succeeding Generations blame them.

Article 9. **T**He not taking an effectual Course to Repress the Depredations and Robberies by the *Highland Clans*, is a Grievance.

This is Answered by the eleventh Instruction.

Instruction **Y**ou are to endeavour to procure an Act for an effectual Course
11. to Repress the Depredations and Robberies by the *Highland Clans*, and when this matter is Digested, you are to transmit the Proposals to Us, that you may get particular Instructions thereanent.

The Depredations by the *Highlanders* is certainly a great inconvenience to the Kingdom, whereby the Inhabitants to the Low Lands are not only obliged to keep numbers of armed Men to watch and guard the Passages and Descents from the *Highlands*; but likewise to pay considerable Compositions to these Robbers, to procure their Protection and Assurance, which the Law discharges, and this Acknowledgment is called Black-mail, whereby these Thieves are sustained without Industry or Vertue, who are hard to be reduced or brought to Justice, because of the unaccessableness of the Mountains, and that Forces are not able to find Subsistence there, nor march as far in two or three days in a Body, as the *Highlanders* can do in one; and therefore the Grievance is just. But there is no Method proposed for accomplishing the Redress: Therefore the King doth remit to the Parliament to consider, and digest effectual Courses for repressing the *Highlanders*, which are to be transmitted to His Majesty, that He may give particular Instructions to His Commissioner. Likens in the mean time, though the Parliament did

did refuse to grant a Supply, yet the King hath maintained a considerable Army upon his own Charge this Summer, and hath planted considerable Garrisons round the Verge of the Mountains, to secure the Low-Grounds; and if His Majesty should withdraw, or Disband these Forces, which He hath not been able to pay, the *Highland* Clans being now combined in Arms, and open Rebellion against the Government, they would quickly destroy that Kingdom, and might raise such a Flame in *England*, as might have fatal Effects, before it could be quenched.

Article 10. **T***hat the banishing by the Council of the greatest part of the Grievance. Advocates from Edinbourg without a Process, was a Grievance.*

This is Answered by the thirteenth Instruction.

Instruction 13. **Y***ou are to pass an Act that no persons be Banished out of the Kingdom, or from any part thereof summary, without a Process.*

It is not worth the while to trouble you with the Detail of this matter; But you may think it strange how the Privy Council comes to be charged with it, and it is acknowledged that it was a Grievance: now if it be not presently a Grievance, how can it be Redressed by the King?

Besides, either the Sentence of Banishment was just or not; if it was just, it cannot be quarrelled, if it was unjust and illegal, that is not a Grievance that must be Redressed by the making of a new Law, for the standing Law must give Relief to every thing that is against Law. But here there was more Resentment of single Persons, than Injury to the Nation. And though the King might have slighted this Matter, being stated in that manner, that it was incapable to be Redressed; yet he gently cover, and passeth it over, that none of the Grievances should want a satisfactory Answer, He condescends, that an Act be made, that no Person be Banished without a Process, which is the Law there already, and in all other Civilised Nations.

Article 11. **T***hat most of the Laws Enacted in the Parliament 1685, are impious and intollerable Grievances.*

This is Answered by the Twelfth Instruction.

Instruct 12. **Y***ou are to pass an Act, Rescinding such Acts of the Parliament 1685, as are justly grievous to the People.*

If this Grievance had condescended upon the particular Acts, as it might, the King had given particular Instructions to Rescind them: But this general (of the most part) left them uncertain what Acts were mean'd to be impious, intollerable, and grievous; and the King

being willing in every thing to satisfy his People; He has subjected the whole Acts of that *Parliament* to the Power of this present Parliament, which must convince you, that the King had no mind to evade the desires of his People, or to shift them off upon the Generality of their Desires: But what they plainly desire, He gives a distinct *Instruction* to it, and when they point at any thing which they do not distinctly Express, He remits the whole Affair to themselves: and in this Case, because there was no necessity of Adjusting Narratives, but only to Rescind some Acts of that Parliament; therefore the King doth not Require his Commissioner to Transmit the Proposals, as in many other Articles, but Authorizeth him to give the Royal Assent in this Matter, and in the Settling of Church Government, and in Redressing of Fines, and restoring of Forfeitures, which were the greatest Tokens of his Intire Confidence in the Parliament, and that he did not Proceed Cautiously or narrowly with them. Who could have expected such unsuitable Returns, that some Persons should press to proceed to Votes in Matters new, not offered in their Grievances, without Representing to His Majesty any thing of the Matter, before they were previously engaged, and put the King to the necessity of a Refusal; as when His Majesty had opened the Signet by His Proclamation, that Law and Justice might have its course, that it should have been Countermanded and stopt by a Vote of Parliament, which the World must have considered as the last Effects of the highest Jealousie and Difference, to the Disreputation of His Affairs, and the Endangering the Common Interest. But that you may have a Snatch of the Acts of that Parliament, and how far our Great Men did Outvey one another to Depress the Nation, and Raise the Prerogative, I have set down the Second *Act* of Parliament, by which you will see that they have not rested in the Doctrine of Passive Obedience, but for what I see, we own Active Obedience without Reserve, and yet I am told, this Act passed with very few or no contrary Votes.

A Declaration and Offer of Duty by the Kingdom of Scotland, with an Annexation of Excise to the Crown.

April 28, 1685.

THE Estates of Parliament now Convened by His Majesties Sovereign Authority, Taking into their Consideration, how the Nation hath continued now upwards of 2000 years, in the unaltered Form of our Monarchical Government, and uninterrupted Line of 111 Kings, whose Sacred Authority and Power, hath been upon all Sig-
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'nal Occasions, so Owned and Assisted by Almighty God, that Our
 ' Kingdom hath been Protected from Conquest, Our Possessions Defen-
 ' ded from Strangers, Our Civil Commotions brought into Wished E-
 ' vents, Our Laws Vigorously Executed, Our Properties Legally Fixed,
 ' and Our Lives Securely Preserved, so that We and Our Ancestors
 ' have Enjoyed those Securities and Tranquillities, which the greater
 ' and more Flourishing Kingdoms have frequently wanted. Those great
 ' Blessings We Owe in the first place to Divine Mercy, and in Depen-
 ' dence on that, to the Sacred Race of Our Glorious Kings, and to the
 ' Solid, Absolute Authority wherewith they were Invested by the First
 ' and Fundamental Laws of Our Monarchy: Nor can either Our Re-
 ' cords, or Our Experience Instance Our being Deprived of those hap-
 ' py Effects; But when a Rebellious Party, did by Commotions and Se-
 ' ditions, Invade the Kings Sacred Authority, which was the Cause of
 ' Our Prosperity; yet so far hath Our Primitive Constitution, and
 ' Fundamental Laws Prevailed against the Innovations and Seditious of
 ' Turbulent Men, as that these Interruptions never Terminated, but ei-
 ' ther in the Ruine, or at least the Suppression of those who at any time
 ' did Rebel or Rise in Opposition to Our Government. And since so
 ' many Ages hath Assured to Us, the great Advantages that flow down
 ' to all Ranks of People from the happy Constitution of Our Monarchy;
 ' and that all Our Calamities hath ever arisen from Seditious Invasions
 ' upon these Sacred Rights; Therefore the Estates of Parliament, for
 ' Themselves, and in Name of the whole Kingdom, Judge Themselves
 ' Obligated to Declare, and They Do Declare to the World, That they
 ' Abhor and Detest, not only the Authors and Actors of all preceeding
 ' Rebellions against the Sovereign; but likewise all Principles and Posi-
 ' tions which are Contrary, or Derogatory to the Kings Sacred Supream,
 ' Absolute Power and Authority; which none, whether Persons, or Col-
 ' lective Bodies, can Participate of, any manner of Way, or upon any
 ' Pretext, but in Dependence on Him, and Commission from Him; and
 ' as Their Duty formerly did Bind them to Own and Assert the Just and
 ' Legal Succession of the Sacred Line, as Unalterable, by any Humane
 ' Jurisdiction; so now they Hold Themselves on this Occasion Obligated,
 ' for Themselves, and the whole Nation, Represented by Them, in
 ' most Humble and Dutiful Manner, to Renew the Hearty and Sincere
 ' Offer of their Lives and Fortunes, to Assist, Support, Defend and
 ' Maintain King *James* the 7th, their present Glorious Monarch, and his
 ' Heirs and Lawful Successors, in the Possessions, of Their Crowns, Soveraign-
 ' ty, Prerogatives, Authority, Dignity, Rights and Possessions, against all
 ' Mortals: And withall, to Assure all His Enemies who shall Adventure on the
 ' Disloyalty

' Disloyalty of Disobeying His Laws, or on the Impiety of Invading His
 ' Rights, that such shall sooner be weary of their Wickedness, than they
 ' of their Duty; and they firmly Resolve, to give their intire Obedi-
 ' ence to His Majesty, without Reserve, and to Concur against all His
 ' Enemies, Foreign, or Intestine; and they solemnly Declare, that as
 ' they are Bound by Law, so they are voluntarily and firmly Resolved,
 ' that all of this Nation, betwixt Sixty and Sixteen, Armed and Provi-
 ' ded, according to their Abilities, shall be in Readiness for His Ma-
 ' jesties Service, where, and as oft as it shall be His Royal Pleasure to
 ' Require them.

' And since the Excise of In-land and Foreign Commodities, Granted
 ' to King *Charles II.* of ever blessed Memory, by the 14th *Act* of the *Par-*
 ' *liament* 1661, during all the days of his Life-time, and Prorogat by
 ' the 8th *Act* of the *Parliament* 1681, for five years thereafter, will short-
 ' ly Terminate. And the Estates of Parliament Considering the Uieful-
 ' ness of this Grant, to support the Interest of the Crown; Do as the
 ' first evidence of their Sincerity in the aforesaid Tender of their Duty,
 ' humbly and unanimously offer to His most Sacred Majesty King *James*
 ' the VII. their present Monarch, and to his lawful Heirs and Successors
 ' in the Imperial Crown of *Scotland*: The said Excise of In-land and
 ' and Foreign Commodities, exprest in the said 14th *Act* of *Parliament*
 ' 1661, to be Collected in the manner Prescribed by the said 8th *Act* of the
 ' *Parliament* 1681, for ever. And His Majesty and Estates of Parliament,
 ' by the force of this *Act*, have United, Annexed and Incorporated;
 ' and Unites, Annexes and Incorporates the same to the Crown of this
 ' Realm, to Remain therewith in Annexed Property, in all time coming.
 ' And in respect that the Alteration in the method of Collecting the
 ' In-land Excise, from what it was by the *Act* 1661. to that pre-
 ' scribed by the 8th *Act* of the *Parliament* 1681. will require some
 ' time to establish it in Collection. Therefore His Majesty, with Con-
 ' sent of the Estates, continues the Collection Prescribed by the 14th.
 ' *Act* of the *Parliament* 1661. for the said In-land Excise, for six Months,
 ' from the first of *May* next allenarly.

Art. 12. **T**hat the Marriage of a King or Queen of this Realm to a Pa-
 Griev. pist, is dangerous to the Protestant Religion, and ought to
 be provided against.

This is Answered by the Fourteenth Instruction.

Instruction

Instruct. 14. **Y**ou are to pass an Act, that the King or Queens of that Realm shall not marry with Papists, under this Certification, that a Popish Queen Consort, or the Husband of a Sovereign Queen shall not be capable to enjoy the benefit or advantage of any Provisions which the Law provides, or particular Contracts or Agreements may have secured to them.

This is a most just Grievance, and at this Port much Mischief hath been Landed to these Nations, and a great Danger to our Religion in general. No Popish Princes do Marry with Protestants, but all the Daughters of Popish Princes are assumed into the Throne of Protestant Kingdoms, whereby the Royal Issue, to sad experience, may be poisoned with Popish Principles from the Mother and her Priests, which is unavoidable, if a Papist can be a Queen. If the Grievance had proposed any particular Remedy, the King would not have refused His Consent, who is above all Suspicion in this Matter; and therefore the King hath proposed in His *Instruction*, to make a Law, Disabling the King or Sovereign Queens of Scotland to Marry with Papists, as to which at present they are under no Limitation by any former Law: and for a further Penalty to deter all Papists to Marry with them, it was to be declared, That the Popish Husband of a Sovereign Queen, or a Popish Queen Consort, should be incapable to enjoy any Provision or Benefit, either by Law or Paction, during the Marriage, or after its Dissolution; and if the Parliament could fall upon any further Securities, it would be worthy of their pains to fortifie this Passage yet further, which is in so great probability to be Attack'd, and hath so great opportunity to sink the Interest of these Nations, and endanger the *Protestant Religion* thorow the World.

Article 13. **T**hat the levying, or keeping on Foot a standing Army in time of Peace, without Consent of Parliament, is a Grievance.

This Thirteenth Article of the *Grievances*, is Answered by the Nineteenth *Instruction*.

Instruct. 19. **Y**ou are to pass an Act against a standing Army in time of Peace, but so as Guards, Garisons, and necessary Standing-Forces may be continued.

By this *Instruction*, tho' the King hath the Power, yet He is Content to pass a Law against a Standing-Army in time of Peace, beyond His Guards, Garisons, and necessary Standing-Forces.

Article

Article 14. ' **T**hat all Grievances relating to the Manner and Measure o
Griev. ' the Leidges, their Representation in Parliament, be
' Considered and Redressed in the first Parliament.

This Fourteenth Article of the *Grievance* is Answered by the Fifteenth *Instruction*.

Instruct. 15 ' **Y**ou are to pass an Act, that the greater Shires of that
' Kingdom, such as *Lanark, Air, Perth, Fyfe, Aberdeen,*
' and *Mid-Lothian*, and others where it shall be found Convenient, may
' send three or four Commissioners to Parliament, that the Representa-
' tion may be the more equal.

The Parliament of *Scotland* is a Feudal Representation of the whole Na-
tion, wherein every bit of Land within the Kingdom is represented: The
King, as Leidge-Lord, *Jure Corona*, is not only invested in the Kingdom,
and hath the *Dominium directum* as Superior, as well as King of the whole, but
likewise, has the particular Patrimony of the Crown, and whatever falls
to the King *Jure privato*, by Succession, Emption, Excambion, or any o-
ther Title; and also what befalls to him by Confiscation, or what is Cadu-
ciary, or where the King Succeeds as *Ultimus Heres, nam quod nullius est Re-
gis est*. The great Barons or Lords, they Sat in Parliament for their Lord-
ships and Baronies, whether they be Bishops or Temporal Lords: And by
the Ancient Custom of *Scotland*, every Free-Holder, that is to say, (not as
in *England*, he who is Seised of a Proportion of Lands belonging to Him in
Property) but he who Holds a parcel of Lands *in Capite*, or immediately of
the King, is understood a Free or Noble-Holder in *Scotland*; and because the
Divisions or Multiplication of Baronies hath rendred many of the Free-Hol-
ders small, so that their Attendance in Parliament was Chargeable and Bur-
densome to them; and it was a Disparagement to the King's great Court of
Parliament, that the Mean Free-holders should be *Pares Curie* with the Nobil-
ity or Peers; therefore the small Barons who do not hold an Hundred Merk
Land of the King, are allowed to send their Commissioners to the Parliament,
and the Barons of each Shire are allowed to send two or more Commis-
sioners to the Parliament. The Royal Burrows make up the Third Estate to
the Parliament; and each Royal Burrow doth send One Commissioner
but *Edinburgh* which sendeth Two to Represent in Parliament, the Lands
given out by the King to their respective Burrows, to be holden of him
Burgage, whereby *unaeque Gleba*, every Bit of the Kingdom is represent-
ed in Parliament: But the Number of the Lords being Increased at the
Kings

King's pleasure, they are now become as many as the Commissioners of Shires and Burrows, if they were all present, and it hath been the custom of our Kings to Erect Royal Burrows, as they think fit, the Shires always remaining the same. The Commissioners for Shires, who do represent the greatest part of the Property of the Nation, they are not proportional in Number, and they have made many Attempts, that the Shires being unequal in Extent, Value, or Number of Inhabitants, that therefore the great Shires might be allowed to send more Commissioners, which is agreeable to the Act of Parliament, to send two or more, that the Representation in Parliament of the Nation might be the more equal. This Design hath been always obstructed by the Lords, or great Barons, that they might have more Votes and Influence in the Parliament; as also, the Court hath considered the Barons, as that part of the Parliament, which could be least pack'd or influenced, being persons generally of the best Sense and Substance, as being chosen by the rest of the Barons to represent them: Therefore the Court hath never favoured this adjusting of the Representations, having greater Influence upon the Royal Burrows, who are weaker, and upon the Noblemen, who are generally more necessitous, and so more easily brought over to the Sentiments and Designs of the Court. But this King regarding Equity and Justice more than Power, he hath consented that the Representation in Parliament be rendred as equal as can be, and that the greater Shires shall have a greater Number of Representatives.

Article 15. ' **T**hat the Grievance of the Burrows be Considered
Griev. ' and Redressed in the first Parliament.

This is Answered by the Sixteenth Instruction.

Instruct. 16. ' **Y**ou are to pass an Act, Ratifying the Priviledges of
' the Burrows, and Securing their Rights, in Electing
' their own Magistrates for the future, and that the Burrows of *Glasgow*
' and *St. Andrews* shall have the Electing of their own Provosts, Baillies,
' and Town-Council, as the other Royal Burrows of that Kingdom have.

The Royal Burrows have a peculiar Interest in the King, for as Burghs of Barony and Regality, are Incorporations belonging to Noblemen and Gentlemen, so the Royal Burrows are in a particular manner the King's own Burrows, holding immediately and directly of the King; and the Law doth not allow the interposition of any Nobleman,

or Baron, to have interest in the Magistracy of Burrows, but only such as are of their own Community: Of late, the Royal Burrows were extremely incroached upon; and in the last Reigns, the Magistrates of Burghs were nominat by Letters from the King, though by their Charters, the Incorporation, and Town-Council had Right to chuse their own Magistrates. His Majesty, then Prince of *Orange*, in his Declaration for *Scotland*, takes special notice of the Injury done to the Royal Burrows; and therefore, though the Grievance in relation to the Burrows, be altogether general, yet His Majesty hails an opportunity to redress and gratifie them; and therefore he impowers his Commissioner to make a Law, Ratifying all their Priviledges, whereby the Commissioner was obliged to give the Royal Assent to any thing that the Parliament should determine to be the Right and Priviledge of the Burrows. 2. His Majesty offers to secure to the Burrows, that they shall never be invaded for the future, and that they shall have the sole and free Choice of their own Magistrates. 3. By the Abolishing of Episcopacy, the King being come in the place of the Arch-Bishops of *St. Andrews* and *Glasgow*, he had in their Right, the Power of naming the Provost and Magistrates of these Burghs, whereby *Glasgow*, though it be the second Burgh in the Kingdom, yet it hath not the ordinary Priviledges of the meanest Burgh-Royal; and the King, to signifie his Gracious Intentions to the Burrows in general, he gives them all that is in his Power, and allows these two Burrows to chuse their own Magistrates; albeit some have represented this Concession to be prejudicial to the Crown, and that it is fit for the Crown, that the King retain in his own hand, the chusing of the Magistrates of *Glasgow*, as an Awe-band over that numerous people, or that he commit this Power to some great Family about them, who may keep that City in order. 4. Trade being the great concern of the Burrows, the King hath allowed his Commissioner to pass Acts, one, or more, what the Parliament shall think fit for the Encouragement of Trade, which give a sufficient Rise and Warrant for Repairing the Royal Burrows, against any Invasions that had been made upon their Rights in the point of Trade; so that they should not be obliged to pay for a Priviledge they did not enjoy: Here is a notable Evidence, how far the most gracious Concessions of a Prince may be mistaken and slighted. The Royal Burrows were abused by the Industry of some persons, and made believe, that the King by his Instructions, had given them no Relief, and that he had not regarded the Grievance, in relation to the Royal Burrows, upon this Imposture they did combine in the Parliament,

ment, to refuse a Supply, to oppose any thing, that was brought in, in pursuance of the King's Instructions, and to concur in all the Votes that was brought in against him, which they did accordingly, only a few Burgeses being excepted; and certainly, if they had understood the King's Gracious Intentions towards them, they could never have been guilty of such Transports against both their Duty and their Interest; and when they come to be informed, it will oblige them for the future to be more cautious, not to take up an ill Report, rashly to doubt their Sovereign, or destroy themselves; and the Royal Burrows being further sham'd to send up these same persons who had abused them with an Address to His Majesty, desiring an Answer to that Grievance which did concern them: His Majesty pitying their Innocence, gave an Answer in Writing, that it might be sure to come to their Hands, signifying, 'That he had remembred their Concerns very particularly from the beginning, and that they had no reason to doubt his Care, 'desired them not to suffer themselves to be further abused, to mistake 'their own Interest, but that they might believe he would redress all 'the just Grievances of the Nation, and specially of the Royal Burrows, 'in whom he owned a peculiar Interest. This Goodness and Forbearance in the King, cannot fail to produce suitable effects of Duty and Gratitude, and when the Burrows shall be sufficiently informed, they will certainly take occasion to have a new Convention, and return his Majesty an humble acknowledgment of their mistakes, and a dutiful sense of his Favours, as well as the Concessions in his Instructions.

Now you see that the King hath given a particular Gracious Answer to every one of the Grievances; and besides these, there is an Instruction for the Regulation of the Universities: And after all, the King concludes with a general Instruction, 'If there be any thing else that 'may be necessary for the good of that Kingdom, to be past into Laws: 'You are to acquaint Us from time to time, with such Overtures, that 'you may be Authorised with particular Instructions thereanent. This admits no Paraphrase, it was impossible for a Prince to say more, this was a *Catholicon* for curing all the Grievances, that either were, or could be represented; and what a strange Return was it, not to transmit their Overtures, but to proceed to Votes, straiten and manacle the Royal Authority, in its most necessary and undoubted Powers.

Since I have given you the Grievances and Instructions together, you are able to Judge, and I do submit to your Judgment, whether my Reflections be Genuine or no; and I shall conclude: That Nation lies under the pressure of most heavy and grievous Laws. 2. The

King hath done all upon his part that was possible, to render that Nation happy ; and since he must be acquitted by all indifferent Judgments, I will not give myself the trouble to tell you who are guilty, since the Instructions are so full, the Ministers of State must be innocent.

By this time, I think you may be able to resolve your own Questions. 1. If the King hath done his part, and be not to blame, how comes the Majority of the Parliament to be discontented? 2. Why did not the Parliament accept these Concessions *pro tanto*, and turn them into Laws, and then ask what more they thought necessary? 3. What is the meaning of so many Addresses, and particularly, the last which is Printed? 4. Upon what grounds does these men build their hopes, who do so pertinaciously oppose the King, and what may be expected, whether the Presbyterians will joyn with them or not?

I must confess, your Doubts are highly reasonable, but they may be Resolved, by what hath been already clearly stated, and what I shall further tell you ; great expectation is a mighty enemy to Contentment, if there were less selfishness amongst us, there would be more Satisfaction ; people did expect the return of the Golden Age, or the beginning of the Thousand Years from this Revolution, and their Impatience is like to hinder them to enjoy what they desire. The King can employ no more Actors than our Stage can hold : He hath not put any Stranger, nor any *Scotch-man* that served him abroad in any *Scotish* Employment ; if the Nation could make a larger Fond, no doubt he would be willing to entertain more persons, for it's not likely the King intends to put up any *Scots-Money* in his Pocket at present, he hath allowed no multiplication of Offices in one person, but by putting the great and lucrative Offices into Commissions, there are twice as many persons employed in this Government, as ever can be instanced in former Establishments.

In the whole Parliament of *Scotland*, for all this Noise, there are not twenty persons, as I do verily believe, who are at bottom ill affected to their Majesties Service, and Government, but there are very many who have been seduced, and have been imposed upon, wholly under gross mistakes, which have transported them beyond the bounds of Discretion or Duty.

There are persons amongst us, who have their thoughts so much set upon getting into the Government, and Lucrative Places of the Kingdom, that they are resolved to disquiet the Government, and discontent the people, before they fail of their pretensions, and they turn them-

themselves into all shapes, and ply every Wind to Deceive, and amuse the people ; their influence is not so much because they are able and leading Men, as that they are restless and implacable Spirits ; and they have gotten this ascendent over a great part of the Parliament, two or three ways: 1. The most part of the Parliament have been kept ignorant of the King's Instructions ; and there was no Artifice wanting, to possess every State and Person, that the King had refused Satisfaction, or Redress to these points of the Grievances which were most material ; and I know, to my experience, that the Ministers, and also several Members of Parliament, who came up here with the loudest Complaints, upon a sight of His Majesty's Instructions, they were surpris'd and convinced : and the like success may be expected throughout the whole Kingdom and Parliament, after a competent time to be informed, and peruse the Instructions, and that they may return to their former temper, and shew that affection they had for his Majesty, and the deference and submission to his Management of Affairs. 2. These persons who are so insatiable for preferments and places, they did very dexterously start and manage an unnecessary Debate, Whether or not the King was obliged by their Offer, and his Acceptance of the Crown, to Redress all Grievances ; and whatever Conclusions they were pleas'd to draw from them, as their meaning, though these be neither obvious nor express'd : and albeit it be very true, that the Grievances are not obligator upon the King as they are represented, further than the King in his wisdom shall find the things complain'd upon, to be truly prejudicial to the Nation, and in so far as Father of the Country, he is obliged to give his people relief ; but their Majesties were declared, recognised, and proclaimed King and Queen of *Scotland* before the Grievances were framed, and so they could be no Condition or Quality of their Right, but being humbly represented to the King's Majesty from the Estates, to be redress'd by him in Parliament ; his Majesty did not at all engage himself in any particular, but declared in general, That he would Redress every thing that was truly grievous to the Nation : Now while they manage this disingenious and weak Argument, Whether the King be obliged to Redress the Grievances, they in the mean time have endeavour'd to perswade the people, that the King hath not at all done it, and that he is so far from performance, that both he and his Ministers denies there lies any obligation upon him, so that in this Revolution, the people do only observe a change of Masters, but no ease of Burden, or Redress of Laws : now after the publishing of the Instructions, this

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Imposture is so gross and palpable, that it can no longer detain the people in ignorance. 3. When the Parliament was willing to proceed according to the Instructions, and to have settled their Church-Government; these persons brought in always some new Motions, which they did pretend to be necessarily previous; as first, they did pretend the Articles was a preliminary; and therefore nothing could be done till that point was adjusted: Next they did insinuate, that it was to no purpose to settle the Church till first the State was purged, and all the ill Men rendered incapable; for if ill Men were permitted to come in to the Government, they might easily turn the Settlement of the Church round; and thereupon there was a great struggle and debate, Whether Church-Government should be first settled, or the State purged by an Act of Incapacities, brought in by the Earl of *Mortoun*; and it was carried, The Church Government should be delayed and postponed to the purging the State; which may demonstrat, that these Men had more the State than the Church under their prospect: Thereafter the settling of Church-Government being brought in, they started a fresh Hare, and managed a Debate with great earnestness, that their Commissioners had not done their Duty in the offering of the Crown, according to their Commission and Instructions; and it was a second time brought to the Vote, Whether Church-Government, or the Exoneration of the Commissioners should first come in. It was carried again, to delay Church-Government; and several days being spent upon that matter, it came to nothing, and was found to be pestered on groundless Malice: Thereafter the Church-Government was talked of; and then it was pretended that so long as the Act of Parliament stood unrepealed anent the Articles, nothing could come in legally to the Parliament, but from the Articles: hereupon the King was pleased to make a further step, and he sent down new Instructions, which the Commissioner did intimat in plain Parliament, bearing his Majesty's Consent, that Church-Government might be settled, Fines and Forfeitures considered by the Parliament, either with Committees, or without Committees, as the Parliament pleased; and in so far as concerns these points, the King did pass from his Right, and consented that his Officers of State should have no meddling in the matter, but remitted these matters intirely to the Parliament; and this Concession being publickly intimat from the Throne, it was openly asserted by Lawyers and others, that albeit the King did pass from the Articles, as to these points by an express Instruction to his Commissioner, yet the Settlement could not be Legal,

gal, till either the Articles were repealed, or a draught brought in to the Articles. Here I shall intreat you to observe when these Men had no mind to bring in a matter, then the Articles was so indispensable, that the King's Instructions was not sufficient to warrant the legality of any matter to be brought into Parliament, otherways than from the Articles; but when ever they resolved to have a matter brought in, then there was neither necessity nor use of the Articles, but they durst adventure to proceed in all these Votes contained in the Address, without ever acquainting the King, or procuring an Instruction to his Commissioner, or Tabling these matters before the Articles, which they would never allow to be chosen, according to the standing Law: By this you may guess at the Ingenuity of their Procedure, and if it were not tedious, I could give you many such Instances; The Estates did apply to the King to be turned into a Parliament; that no time might be lost by the Indiction of the Parliament; the King had no sooner granted it, but a Committee of the Estates did Address to him to delay the Diet of the Parliament, till some of them might come up (which was to secure their Interest in getting Offices and Places in the State) which took off the reason they had pressed to be turned into a Parliament, rather than that a new one should be called. Likewise that Committee did take upon them to give good Injunctions to the King, not to be hasty in disposing of Places, till his Majesty might take Information from some persons whom they did recommend: And accordingly his Majesty did neither at that time, nor till now, dispose of any place, but what was absolutely necessary: And in the nomination of the Lords of Session, the King did not design the whole number, but only Ten to make a full *Quorum*, which might do all business while he were further informed for naming the other Five. This was no sooner done then it was quarrelled as a Nullity in the Nomination, because it was not compleat. The King by three several Instructions pressed the settling of the Church-Government, and did allow it to be done in any way they pleased, with Committees, or without them: And sicklike, for considering Fines and Forefaultures; which was as oft shifted by those persons who offered the Address, and at last it was declared to be impracticable; and yet they have the confidence to spend a great deal of their Paper, complaining for the not settling of Presbyterian Government, and restoring Fines and Forefaultures, as if the fault had lyeen upon the King, and that he needed to be pusht to it, whereas they themselves

selves have been the only Obstructors. And I am credibly informed, that while they run about to amuse every body, they tell those who are of the Church of *England*, to ingratiate with them, that what they did in relation to the abolishing of Episcopacy, was nothing of their own inclinations, but to comply with the King's Instructions, who was engaged in that matter before he came from *Holland*, which is sufficiently confuted by the Instructions themselves.

As to your second Question, you have great reason to wonder why a Prince having made so great Concessions, they were not accepted by every body, and that it had been a better reason afterwards to have demanded more. But the misery lyes here, if once the Instructions had been understood, and been reduced into Laws, that must have given so universal a satisfaction to the people, and procured so much affection and gratitude to the King, that all the Addresses, Hopes and Endeavours had been in vain to create Jealousie, and maintain Faction and Mutiny : For the benefits and ease the Nation should have received, would have been so sensible and fresh, that the Whisperer or Backbiter would have found no place or admittance ; whereas now the Nation remaining under its Fetters, there being nothing done for its advantage or satisfaction ; every body is sensible of the misery it feels, but few can make a Judgment of the Cause and the Author, and they have been easily imposed upon to believe, that these who keep them in Slavery, are their Champions, and that he who promised, and from whom they expected Relief, hath deserted them : And to make these surmises pass the more plausible, they give it out that the King is pestered with ill Counsellors, and that the Malignants, and these who ruined the Nation formerly, are to be assumed into the Government, that they may act their former part, or a worse over again ; whereas almost all the Places and Commissions are filled with persons as have either never been in the Government, or have acted most inoffensively there.

As to your third Question, there came three Addresses to the King, one from the Clergy, desiring their Church Government to be established ; I am confident upon the sight of the Instructions, and their application to the King, the Ministers were convinced and satisfied that the King had done all that was proper for him, and that it was their interest and duty to stand firm by the King, and that their Party had no hopes or security under God, but in him.

There was another Address from the Burrows, desiring the King
to

to give Instructions in relation to their Grievance ; I cannot say that their Commissioners were satisfied, because they were men chosen out, and sent up here upon another design than to take satisfaction, and therefore they got their Answer in Writing ; but I hope the Burrows do already, or shall shortly understand how they were abused : Thus far they did only choise a Trasequing Burgeſs, who might be concerned in the interest of that State, next day they were Whiddled to choise the two Lawers, whose errand was none of their business, and yet they were to bear their Charges.

There was a third Address from a great many of the Members of Parliament, I need not tell you what undue practices was used to procure and mendicat Subscriptions, after the Parliament was up, and to very little purpose ; for except it had been to insult the King, as they have done in all the steps of their management. Could an Address out of Parliament import more than a Vote of Parliament ? except it were to convince the King of their peremptoriness, and that they were incorrigible, and that nothing was to be expected from the Parliament, when it should meet again, too, I do not believe that the King needs to fear this ; for when the generality of the Parliament comes to be informed, and shall see the Instructions, they will perceive clearly the selfish and implacable designs of some men, and their false surmizes, that they will quit and fall off from these men, and leave them to themselves, to double out their pretensions for places, in which the Countrey hath little concern. I need not tell you the matter of the Address, since it is Printed ; I shall make some short reflections upon it. 1. These Votes which were so unseasonably brought in, and so peremptorily pressed, have no relation to the Grievances. Now if they had been of so great importance, why were they then forgot ? And if they be of less importance than the Grievance, why do they make such a bustle to press in these points of less moment, and stop these things which are of far greater consideration, which were first Tabled by a representation from the States, and granted by the Kings Instructions ? And its pretty odd to see men who make such

a noise about the Authority of the Grievances, that the King must satisfy them, and yet when they please to bring in any little Overture, it must take place, and juggle out the other. 2. As to the Vote of Incapacities, it is indeed a Vote incapacitating the King to employ any person in his service but whom they please; for the Terms are so lax, and the Nation so universally involved, that there are few men of Business, Fortune, or parts, but they may be reached, and most part of the Addressers themselves, as far as they are capable they are guilty; but when a man turns upon that side, the most abominable and monstrous faults are covered, whereas trifles are mustered and magnified, if a man be on the Kings side. And I cannot forget the last Member of the incapacities, *that all who have obstructed the designs of the House, after they came the length of Votes, shall be incapable of Publick Trust*, though the Royal consent neither is, nor I believe will perhaps ever be admitted; so they are no Laws, but abortive Attempts, which never had a precedent, and it may be will never have a parallel. 3. As to that Article concerning the Session, I have already told you how it was thrown out by the Committee of the Estates. I dare say to you upon my reputation, that there is not one word in our Law giving the Parliament any power in Tryal or Admission of the Lords of Session. I shall refer you to two short Acts in *Anno 1661*, the second and eleventh Acts of the first Session, first Parliament K. *Ch. 2d.* Where the King's Right in this point is as clearly stated, as can be expressed.

These Acts are as follows,

ACT and Acknowledgment of His Majesties Prerogative, in the choice of His Officers of State, Counsellors and Judges.

‘ **T**HE Estates of Parliament considering the great obligations
 ‘ that do ly upon them from the Law of God, the Law of
 ‘ Nations, the Municipal Laws of the Land, and their Oaths of
 ‘ Allegiance, to maintain and defend the Sovereign Power and Au-
 ‘ thority

'thority of the Kings Majesty, and the sad consequences that do
 'accompany any incroachments upon, or diminutions thereof; do
 'therefore from their sense of duty, declare, that it is an inherent
 'priviledge of the Crown, and an undoubted part of the Royal
 'Prerogative of the Kings of this Realm, to have the sole choice
 'and appointment of the Officers of State, and Privy Counsellors
 'and nomination of the Lords of Session, as in former times, pre-
 'ceeding the year 1637. And that the Kings Sacred Majesty,
 'and his Heirs and Successors, are for ever, by vertue of that
 'Royal Power, which they hold from God Almighty over this
 'Kingdom, to enjoy and have the full exercise of that Right :
 'And therefore the Kings Majesty, with Advice and Consent of
 'his Estates of Parliament, doth hereby rescind all Acts, Statutes,
 'or Practices to the contrair.

Follows the acknowledgment of His Majesties Prerogative.

' **F**Orasmuch as the Estates of Parliament of this Kingdom, by
 'their severall Acts of the 11th and 25th of January last,
 'have from the sense of their humble duty, and in recognizance
 'of His Majesties just Right, declared, that it is an inherent pri-
 'viledge of the Crown, and an undoubted part of the Royal Pre-
 'rogative of the Kings of this Kingdom, to have the sole choice
 'and appointment of the Officers of State, Privy Counsellors, and
 'Lords of Session, &c.

I shall only tell you, that the Session is sitten down with as great
 satisfaction as ever it did, and severall of the most eminent Lawyers
 have accepted, whose Practice was much better than their Sallaries;
 and you must allow me to say, since they must know the Law, they
 are great fools if they be not safe : And I am sure the greatest Law-
 ers that did oppose this, would have been content to have run the
 hazard of the Parliaments censure, if they could but procured the
 Kings Commission, and would have parted with the Club to the
 Boot, when they had got their own Staik. And as to that part of

the Vote, that the President should be chosen by the Lords, this did not concern the Parliament, since the Lords did not complain : And the five last successive Presidents are named by the King in the same manner : Besides, my Lord *Stairs* is not made of new President, but restored to an Office whereunto He had been formerly Admitted by the Lords, conform to the Kings Declaration, from which he was unjustly thrust out : And withal, the Lords did unanimously by a Vote acquiesce in His Majesties nomination and reponing the President, and declared, if the matter had been intire to themselves, they would all and every one of them have chosen him ; so this dust has been very idly raised. 4. I must again take notice of that grief they express for the want of that Church-government they themselves hindered to be established ; and the design of the Address is to Imprint in the apprehensions of the people, that the King is slow or backward in that matter. 5. As to the Apology for not giving Cess, it is very pleasant, they did not refuse it absolutely, but till some things were first exped which might give them satisfaction ; that is to say, they would give no Cess or Subsistence for the Kings Troops, though they must quit the Countrey if he withdraw them, till such time as the King shall renounce the remainder of his Sovereignty : And I shall not say that he hath been prodigal of his Prerogative, but I am sure he hath been so liberal of it, that it might at this time have given contentment for once. It is needless in this case to remember either the obligations we owe to our King, or the necessity we have of his Protection ; but I shall offer two things to show the ingratitude and foolishness of refusing this Supply. 1. The King hath expended above threescore thousand pounds upon his Troops in *Scotland*, out of his own Pocket, for our defence, and in sending Arms, Ordnance and Ammunition thither ; and if he should abandon us this Winter, the best part of the Nation would be forced to leave the Countrey. 2. By a standing Law, the Parliament settled Eight Months Cess upon King *James*, during his life time, which we payed pleasantly, for supporting that Government, was it discretion to refuse the King four Months Cess, which

which is but 24000 Pounds *Sterling*, which he was willing to accept, instead of demanding the Eight Months during King *James's* life? And supposing that he had redeemed us from that Eight Months Cess, as well as many other miseries, was it grateful or just to grudge him one years Cess, for the relief of the rest? There was more heat in this matter than consideration. 6. I cannot but admire their confidence, in pretending to be surprised with the sudden Adjournment of the Parliament; most men did wonder it sat so long, and every body knew it was to rise that Week; that strange Vote in refusing four Months Supply after all the rest that had passed, made it evident there was no better to be expected; and when they had formerly refused to proceed upon the Instructions, how could any man think that they should not be Adjourned?

As to your last Question, where these mens strength lyes, and whether the Presbyterians will desert the King, and joyn with them? I tell you plainly my thoughts, these men play upon the Presbyterian Staik; and though the Sticklers be persons who have little concern in Religion, or regard to Church-government, and when Episcopacy was formerly abolished, and all the Laws establishing it Rescinded, in consequence the Laws made at the Reformation, in favours of the Presbyterian Government, were re-dintegrat and revived; the same might now have been done, but this same Addressers did oppose it, and did add a Clause in the House, declaring the Church-government was yet to be established, upon this project, that if Presbytery were once established, they knew the Presbyterians needed no more depend upon them; whereas the Presbyterians must either support them, or else they will turn about and fall in with the Cavaleer Party against them: for they Front to all Sides but to the King, and in the mean time they render the Presbyterians jealous of the King, and tell them that the Civil Magistrate likes always to have the Church in his power, and that the King to oblige the Church of *England*, will in the end abandon them, whereas they are willing to establish Presbytery in what terms they can desire, and to go the length of a Covenant and League

League with the Dissenters in *England*. But after all, I can hardly believe that the Presbyterians will be so imposed upon, and whiddled out of their Interest, by persons they know to have no concern for Religion, but to raise themselves by it : And therefore I think the following Considerations will secure the Presbyterians. *First*, All the Presbyterian Lords in *Scotland*, who have been all along of that Perswasion, and have suffered for it, have all to a Man stood firm to the King in this Parliament, against the Club, and they are almost all actually imployed in His Service. Now it is not possible that any rational or sober Presbyterian will part with their old and great Friends, who are able to do them good, for new Undertakers, whereof some have been lately their Persecutors, and the Presbyterians have no safe retreat, King *James* will neither trust, nor forgive them. Will they be Neuters, and Associate again, as the Five Western Shires did in *Anno* 1650. when they refused to joyn either with King *Charles's* Army, or *Cromwells* : This design was both foolish and fatal, they were quickly broken at *Hamilton*. *Secondly*, I can hardly believe that the Presbyterians will forget the regard the King had to their sufferings, that he hath revived and restored them, and will certainly settle the Government of the Church of *Scotland* by Presbyters, and imploy them where they are capable, in the Civil Government, if they themselves do not hinder him. For though I do not believe that the King either is, or should be of a Party, yet their circumstances lyes together, his success, and their deliverance. For in *Scotland*, though we had Bishops who were Tools for the Civil Government, and led Horses for the State, yet we never admitted Canons, Service, or any Forms in our Church ; so that even in time of Bishops the Nation was Presbyterian: And whereas the Church and Bishops of *England* before this Revolution, were standing in the Gap, and suffering ; and the King in His Speech to the Parliament, did avouch them to be a Bulwark to the Protestant Religion, yet at that time our Bishops in *Scotland*, in their Address to King *James*, not only pray for his success and prosperity in that Expedition, but they pray

pray that God may give him the necks of his Enemies, after they knew that the King, then Prince of *Orange* was Embarqued, and had set Sail for *Britain*. This may conciliate a greater confidence and regard from the King to the Presbyterians of *Scotland*, without giving any discouragement or displeasure to the Church of *England*; For a Prince that hath different Countries and Nations, may maintain distinct Religions, and much more distinct Forms of Government, professing the same Religion, without affecting or neglecting any man upon that account. *Thirdly*, As it is duty and gratitude for the Presbyterians to stand firm by the King, they lye under a suspicion to be difficile and uneasie under any Government, and that their Principles are more suited to a Commonwealth than Monarchy; they have now an opportunity to retrive and vindicate themselves from these aspersions; and if they be such fools as to suffer themselves to be seduced to quit the King for the Club, there are many that are now looking after their halting, who will not be wanting to represent to the King, that he hath neglected a far greater interest, in looking after the Dissenters, whom he could not manage. These and other such Considerations will certainly oblige the Presbyterians to look to their interest, and foresee their danger, if they should either lye by, or prove unkind: And if they do not support and sustain this Club, it will fall to nothing, and the Nation will return to some better temper, and see their folly, in not closing with the Kings Instructions. Sir, I have been carried far beyond my design, in giving you an account of my thoughts in this matter. But without further, I am,

Your most humble Servant.